

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) Crim. No. 04-CR-10336-NMG
JULIO CARRION SANTIAGO et al.)

**FINAL STATUS CONFERENCE REPORT OF THE PARTIES
UNDER LOCAL RULE 116.5(C)**

Pursuant to Local Rule 116.5(C) and the Court's May 4, 2005 Order for Final Status Conference, the United States proposed a final status conference report to counsel for all defendants in this matter. Counsel for all Defendants except those who are not signatories to this memorandum join the government in filing this status memorandum. The status report is as follows:

(1) There are no outstanding discovery issues to be presented or resolved by the Court.

(2) Neither the government nor Defendants (except as noted in this paragraph) anticipate any additional discovery at this point. Defendant Luis Sanchez reserves the right to seek further discovery relating to his motion to suppress certain wire interceptions. The government reserves the right to oppose any such further discovery requests and/or motions.

(3) Defendants do not intend to raise a defense of insanity or public authority.

(4) The government requested notice of alibi on December 9, 2004 as part of its automatic discovery letter to all defense counsel. Defendants, however, do not intend to offer an alibi

defense.

(5) The following motions to suppress evidence are pending and have been fully briefed by both parties: i) Defendant Edwin Torres' motion to suppress evidence seized from a storage unit on October 15, 2004; ii) Defendant Julio Santiago's motion to suppress evidence seized from his residence on October 15, 2004; iii) Defendant Pedro Alberto Miranda's motion to suppress evidence seized from his residence on October 15, 2004; and iv) Defendant Zuleima Reyes' motion to suppress interception of one of the Target Telephones. On Friday, June 17, 2005, Defendant Luis Sanchez filed a motion to suppress interception of the Target Telephones. The government's opposition to this motion is due on June 27, 2005.

(6) Argument and/or evidentiary hearings on the pending motions will need to be scheduled by the district court. Accordingly, the parties (except as noted in this paragraph) request that this matter be referred to the district court. Defendant Jose Torrado requests that his case remain before the magistrate judge at this time.

(7) The government has had discussions with counsel for certain defendants about the possibility of resolution of this matter short of trial. These discussions are ongoing and will continue.

(8) Speedy Trial Act

a. The Court, by Order of Excludable Delay dated January 5, 2005, reported that fourteen (14) non-excludable days had occurred and fifty-six (56) days were left to commence trial. In the same order, the Court ordered that the period from January 5, 2005 (date of the initial status conference) through April 13, 2005 (the original deadline for defendants to file motions to suppress). Beginning on April 12, 2005, Defendants began filing the motions to suppress listed above (beginning with the filing of Torres' motion filed on April 12, 2005). The Torres' motion and the subsequently filed motions have been pending since then. (The parties also note that this Court subsequently granted defendants additional time, until May 13, 2005 (and for Luis Sanchez until June 17, 2005) to file their motions, and the government until June 6, 2005 (and June 27, 2005 for Luis Sanchez's motion) to file any opposition). Accordingly, the time since April 13, 2005 shall be excluded under 18 U.S.C. §3161(h)(1)(F).

(9) If the matter proceeds to trial, the government anticipates that the trial will last for at least three weeks.

Respectfully submitted,

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Dated: June 22, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsel of record a copy of the foregoing document by electronic filing and by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery.

This 22nd day of June, 2005.

/s Denise Jefferson Casper
DENISE JEFFERSON CASPER
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